

Message Text

UNCLASSIFIED

PAGE 01 ISLAMA 08088 171509Z
ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-05 H-02
INR-10 L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15
ICA-20 SAA-01 SES-02 SSM-05 ACDA-12 TRSE-00 OMB-01
IO-14 HA-05 /127 W
-----122930 181501Z /45

R 171255Z AUG 78
FM AMEMBASSY ISLAMABAD
TO SECSTATE WASHDC 8706
INFO AMEMBASSY ANKARA
AMEMBASSY COLOMBO
AMEMBASSY DACCA
AMEMBASSY KABUL
AMEMBASSY LONDON
AMEMBASSY NEW DELHI
AMEMBASSY PARIS
AMEMBASSY TEHRAN
AMCONSUL LAHORE
AMCONSUL KARACHI
CINCPAC

UNCLAS ISLAMABAD 8088

CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: PINT, SHUM, PK
SUBJ: BHUTTO APPEAL CONTINUES

1. SUMMARY: THE PAKISTAN SUPREME COURT'S HEARING IN THE
APPEAL OF FORMER PM BHUTTO AND FOUR OTHERS ON THEIR MURDER/
CONSPIRACY CONVICTIONS ENDED ITS ELEVENTH WEEK AUGUST 16.
BHUTTO'S COUNSEL YAHYA BAKHTIAR APPEARS AT LAST TO BE WINDING
UP HIS ARGUMENTS FOR BHUTTO.

2. THE BHUTTO HEARING RESUMED AUGUST 12 WITH ARGUMENTS BY
UNCLASSIFIED

UNCLASSIFIED

PAGE 02 ISLAMA 08088 171509Z

BHUTTO COUNSEL GHULAM ALI MEMON THAT STATE'S WITNESSES MASOOD
MEHMOOD AND GHULAM HUSSAIN WERE NOT ELIGIBLE FOR PARDON
BECAUSE AS WITNESSES THEY FAILED TO DISCLOSE THE FULL
FACTS IN THEIR INITIAL STATEMENT TO THE MAGISTRATE. MEMON
ARGUED THAT A STATES' WITNESS WHO FAILS TO MAKE A "FULL
AND TRUE DISCLOSURE" SHOULD BE RELEGATED TO THE STATUS
OF AN ACCUSED.

3. AFTER MEMON'S STATEMENT SENIOR COUNSEL YAHYA BAKHTIAR BEGAN HIS ARGUMENTS ON THE BIAS OF THE LAHORE HIGH COURT WHICH TOOK UP THE REST OF THE WEEK. BAKHTIAR LISTED THE FOLLOWING INCIDENTS TO PROVE THE BIAS OF THE COURT:

- STATEMENTS MADE AT A PRESS CONFERENCE BY THE ACTING CHIEF JUSTICE OF THE LAHORE HIGH COURT AND THE CHIEF ELECTION COMMISSIONER AT THE COMMENCEMENT OF THE TRIAL.
- THE DOCK SET UP TO SEGREGATE AND HUMILIATE BHUTTO BY PREVENTING BHUTTO FROM GIVING INSTRUCTIONS TO HIS COUNSEL DURING THE COURT PROCEEDINGS.
- THREE PROTESTS PRIOR TO THE RECORDING OF EVIDENCE WERE SUMMARILY DISMISSED BY ORAL ORDER.
- BHUTTO'S REQUEST FOR A CERTIFICATE FROM THE LAHORE HIGH COURT TO APPEAL TO THE SUPREME COURT WAS DENIED A MONTH AND A HALF AFTER THE ORAL ORDER WAS GIVEN.
- THERE HAD BEEN NO GROUNDS FOR CANCELLATION OF THE BAIL WHICH HAD BEEN PERMITTED BY JUSTICE SAMDANI.
- BHUTTO WAS SIMULTANEOUSLY BEING HELD UNDER MARTIAL LAW ORDER 12 WHICH PREJUDICED HIS CASE.
- A DETAILED PETITION CITING INSTANCES OF BIAS WAS SUBMITTED ON DECEMBER 18 AND CAME UP FOR HEARING JANUARY 9 AT WHICH TIME BHUTTO WAS TAKEN INTO THE CHIEF JUSTICE'S CHAMBERS WITHOUT BENEFIT OF COUNSEL.
- OBJECTIONS AND REQUESTS OF THE DEFENSE COUNSEL WERE OFTEN REJECTED WITHOUT BEING RECORDED.

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 ISLAMA 08088 171509Z

- THE DEFENSE COUNSEL WAS IMPEDED IN ITS CROSS-EXAMINATIONS OF WITNESSES WHEN IT TRIED TO PROVE CONTRADICTIONS IN THE WITNESSES STATEMENTS.
- TRIAL JUDGES WERE PERMITTED TO SEE WITNESSES STATEMENTS RECORDED BY THE POLICE PRIOR TO THE TRIAL.
- THERE WAS NO JUSTIFICATION FOR HOLDING THE PROCEEDINGS IN CLOSED COURT (WITH ONLY A CAMERA AS WITNESS) FOR A MONTH.
- BHUTTO WAS PREVENTED FROM EXPRESSING HIS POINT OF VIEW IN THE OPEN COURT WHILE THE PROSECUTION STORY WAS GIVEN WIDE PUBLICITY.
- THE ONLY PORTIONS OF THE CLOSED COURT PROCEEDINGS RELEASED TO THE PUBLIC WERE STATEMENTS FAVORABLE TO THE PROSECUTION.
- BHUTTO WAS CONSISTENTLY REFERRED TO BY DEROGATORY TERMS SUCH AS "PRINCIPAL ACCUSED", "ARCH CULPRIT", AND "COMPULSIVE LIAR" WHICH UNFAIRLY BIASED THE PUBLIC MIND AND DEMONSTRATED THE HOSTILITY AND BIAS OF THE JUDGES.

3. THE HEARING RESUMES AUGUST 19.
HUMMEL

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COURT PROCEEDINGS, POLITICAL LEADERS
Control Number: n/a
Copy: SINGLE
Draft Date: 17 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978ISLAMA08088
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780338-0464
Format: TEL
From: ISLAMABAD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780855/aaaabtld.tel
Line Count: 114
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fab0fc61-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 29 mar 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1712983
Secure: OPEN
Status: NATIVE
Subject: BHUTTO APPEAL CONTINUES
TAGS: PINT, SHUM, PK, (BHUTTO, ZULFIKAR ALI)
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/fab0fc61-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014